

IDAHO STATE ELECTRICAL BOARD MEETING

February 19, 2004

MINUTES

Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

The Idaho State Electrical Board held a meeting at the Division of Building Safety, "Board Room", located at 1090 East Watertower Street, Meridian, Idaho on February 19, 2004, and was called to order by Chairman Stephen Keys at 8:37 a.m. Those attending were:

ELECTRICAL BOARD

MEMBERS:

Stephen L. Keys, Chairman
Dale Pippitt
Lee Riley
Al Frieze
Sherm Akers
Tom Brown
Mark Nielsen

ELECTRICAL BOARD

MEMBERS EXCUSED:

Gregory Ford
Chris Jensen

DBS-ELECTRICAL

BUREAU STAFF

MEMBERS:

Dave Munroe, Administrator
Gary Malmen, Electrical Bureau Chief
Kim McDonald, Electrical Administrative Assistant
Kay Manweiler, Deputy Attorney General
Al Caine, Electrical Licensing/Office Supervisor
Jeff Fitzloff, Electrical Inspection Supervisor
Stephanie Franks, Region #2 Supervisor

VISITORS PRESENT:

Howard Royal, Roberts Electric
Bob Eugene, UL
Orson J Christiansen, Cooper Bussmann
Jim Schmer, Boise City
Marc Bernsen, SW Id JATC
Bob Corbell, IEC/HVAC
Jim Weimer, E Id JATC
Gary Driesel, IBEW, Local #291
Benny Antunes, IBEW
Mike Gregory, IBEW
Darron Beesley, Idaho Power
Galen B. Woelk, Runyan and Woelk, P.C. (conference call)
Kelly Park, Wy/Idaho Plumbing (conference call)

MINUTES

Mr. Sherman Akers made a MOTION to accept the minutes of November 6, 2003, as written. The motion was seconded by Mr. Dale Pippitt and passed by the board, unanimously.

Special Board Meeting. Mr. Dale Pippitt made a MOTION to accept the minutes of December 8, 2003, as written. The motion was seconded by Mr. Sherman Akers and passed by the board, unanimously.

Chairman Keys directed the board to the first section of the board packet-Article- "Backfire" from IAEI News, January-February, 2004, Author, David Shapiro. This Article addressed the need for public awareness recognizing the risk of hiring un-educated, (to the National Electrical Code-NEC) or un-licensed, electrical contractors. This un-ethical work can range from not getting work inspected (to) an individual fraudulently applying for a homeowners permit to cover a contractor can all "Backfire". Chairman Keys commented the article was interesting and hoped all Board members took the time to read the information. Mr. Bob Eugene, UL was asked to comment on the next article, "Bridgeport Delivers-"Raintight Fittings" (A new compression-style, zinc die-cast insulated connectors and couplings) delivered by Bridgeport, listed by Underwriters Laboratory. These "Raintight" connectors/couplings prevent water seepage into conduit, boxes and enclosures, which are now available in ½ inch, ¾ inch, or 1-inch sizes. This information should help address some of the Board's concerns with the Raintight issue.

PROPOSED LEGISLATION

HB525 - Qualifications and restrictions on all State and Municipal Electrical Inspectors. The Proposed Legislation is to amend the existing law to clarify their qualifications and ethical restrictions. *No Inspector shall be engaged or financially interested in an electrical business, trade, practice or work or the sale of any supplies connected therewith. Nor shall he/she act as an agent, directly or indirectly, for any person, firm, partnership, association or corporation so engaged.* Mr. Dave Munroe invited the Industry (Electrical Contractors) to testify in support of this bill. Chairman Keys agreed mentioning a misconception by the Association of Cities in opposing this bill because of the language, (interpretation), which states the Administrator, of DBS would have the authority in appointing municipal inspectors. (Currently municipality Inspectors are allowed to also be electrical contractors). Chairman Keys reiterated that was a misconception and not the intention of the bill. (*Editor's Note: Modification to HB525 is discussed under OLD Business, Page 12*).

HB529 – Master Electrician Requirements to amend the existing law to require four (4) years of work experience, ((in place of two (2) years)), as an Electrical licensed Journeyman qualifying for a license as a Master Electrician. This change in the law would enhance the opportunity for reciprocity. Currently, an out of state Electrical Contractor (with 2 years of work experience as a Journeyman) can come to Idaho, qualify to take the contractor's test, and obtain an Electrical Contractor's license. However, an Idaho Electrical Contractor must have 4 years work experience as a journeyman, and then take the Master or Supervisor Exam to qualify in another state for a contractor's license.

HB569 – Elevator Safety Code Act to amend and add to the existing law relating to elevator safety and set forth rules granting the authority to enforce the requirements of inspections. Mr. Bob Corbell stated this would be presented to the House Committee this morning and was unaware of any opposition to this bill. The Division of Building Safety, (DBS), Qualified Elevator Inspectors, - Industrial Safety, (QEI's) have been performing elevator inspections. This bill will mandate that elevators are to be registered and inspected/certified annually, at a fee of

(\$125.00). Currently, the legislature's concern is the impact on the general fund, which will require Idaho Schools and State Buildings to pay for their own elevator inspections, (386 school elevators, 1700/plus for the whole state). This will include escalators, wheel chair lifts, and moving side walks. The Electrical Bureau currently requires an Elevator Specialty License for contractors and journeyman. There was a concern about the bill affecting the electrical Specialty License. Mr. Corbell stated this particular bill will not change the electrical requirements for elevators and was not intended as such.

HB585 – Modular Buildings, amends and adds to the existing law relating to modular buildings manufactured in Idaho that are to be exported to another state. It will exempt from various building, electrical and plumbing requirements (laws and rules) for licensing and inspections for those exported buildings. Mr. Corbell informed the Board of present changes, if the modular building meets the inspection and Plan Review qualifications within the state it is being transferred to, the modular will be approved by that state and exported, thus being exempt from Idaho's jurisdiction. Additionally, two (2) other bills are being presented:

- Senate Bill – 1340 Contractor Licensing and Registration Bill will be presented today in the Senate Commerce Committee. This bill will create a registration system for all contractors with DBS, thus providing a mechanism for the state to remove contractors who prove to be incompetent, dishonest or unprincipled from the registry.
- House Bill – 672 Electrical Contractors/Journeymen Bill will be presented Monday, February 23, 2004 in the House Business Committee. This bill brings Idaho Statutes into compliance with the current National Electrical Code adopted by the Idaho Electrical Board §54-1001. Mr. Corbell clarified that the public utilities have not been written out of this bill, they still have the same exemptions as communications defined within §54-1016, which are under their exclusive control.

Chairman Keys asked for any questions. In hearing none, he stated that without member support, the Bills would not pass.

PROPOSED AND TEMPORARY ADMINISTRATIVE RULES

Chairman Keys moved on to the next item for discussion, the Proposed and Temporary Administrative Rule Drafts for Review and approval by the Board, (starting on page 36 of the Board Packet). IDAPA 07.01.03.012.01 Apprentice Electrician Requirements, (d) and (e). This draft rule change is to comply with Idaho Code §54-1007-Issuance of Licenses —Reciprocity (July 2003). (d). An apprentice who has completed the number of instructional hours and has not passed the journeyman's examination within two (2) years of completion of instructional training hours shall provide proof of continuation training in order to re-register as an apprentice. For the purposes of this section, continuation training is defined as registration in an approved fourth year apprenticeship class.

(e). An apprentice who has not advanced in apprenticeship training for a period of two years shall provide proof of completion of continuation training in order to re-register as an apprentice. For the purposes of this section, continuation training is defined as registration in an approved year of apprenticeship class that the apprentice is eligible to attend or repeat of the last apprenticeship class attended. Mr. Sherm Akers made a MOTION to accept this draft (packet page 37), as written. Mr. Al Frieze seconded the motion and was passed by the majority of the board members, with the exception of Mr. Mark Nielson. Following a brief discussion, Board members voiced some concern regarding the effective date and enforcement of the rule. Mr. Akers made a motion to rescind his previous approved motion and presented a new motion to

adopt this proposal as a temporary rule with an effective date starting July 1, 2004, (giving the Apprentice Electrician two (2) years from July 1, 2004 to comply with this requirement). Mr. Dale Pippitt seconded the motion and was passed by the board, unanimously.

Chairman Keys addressed the next Proposed and Temporary Administrative Rule draft for review and approval, IDAPA 07.01.03.014 Master Electrician Experience Requirement revision to reflect an applicant who applies for a Master Electrician License must have at least four (4) years experience working as a Licensed Journeyman. And, IDAPA 07.01.03.015 Qualifications for Electrical Contractor License revision reflecting such applicant shall have at least one (1) full-time employee who holds a valid Master Electrician License. The revisions would necessitate any new Electrical Contractor in Idaho, (be, or employ), a Master Electrician. Present Electrical Contractors will not be required to hold a Master Electrician License. However, any Electrical Contractor who replaces their current Supervising Journeyman (after the rule is in effect) is required to replace them with a licensed Master Electrician. This revision will upgrade the requirements for an Electrical Contractor. Chairman Keys asked the board to table these revisions until the next scheduled board meeting. Mr. Tom Brown agreed stating this would give the Bureau and Board time to inform the Industry, meet the requirements in preparation time for testing. Mr. Brown made a MOTION to table this issue until the next scheduled board meeting. Mr. Mark Nielson seconded this motion and was passed by the Board, unanimously.

After a ten (10) minute break, Chairman Keys called the meeting to order and addressed the next Proposed and Temporary Administrative Rule for review. IDAPA 07.01.04.014.06 Well Driller and Water Pump Installer, Effluent Pump Installations by Specialty Contractors. In 1999, the Electrical Board approved Well Drillers and Water Pump Installer Licensees' to install wastewater pumps in residential locations. This was a result of NFPA Article 820 revisions de-classifying residential (not more than 5 dwellings) effluent, grinder and ejector pumps from hazardous (Class I or Class II) to non-hazardous locations. The present rule does not reflect this change nor does it allow Well Driller/Pump Installer Specialty Electricians to install effluent pumps even though the pump installations are similar to the scope of work that is provided under the Administrative Rule. At the previous scheduled Board meeting, (November 6, 2003), the Board's decision was to revise the rule and incorporate, (d) Individual Residential Wastewater Pumping Units: Install, Maintain, repair and replace all electrical equipment, wires and accessories from the pump motor up to, and including the disconnecting device for systems that serve one (1) and two (2) family residential installations. Mr. Sherm Akers made a MOTION to proceed with the adoption of this Temporary and Proposed Rule (as underlined above), in the spring after the legislature adjourns. Mr. Dale Pippitt seconded the motion and was passed by the board, unanimously.

Administrative Rules Reflecting the Current Address-Meridian. IDAPA 07.01.01 - IDAPA 07.01.08 – and IDAPA 07.01.11. Chairman Keys addressed the revision to the rules reflecting the current (physical) address: 1090 East Watertower Street, Meridian, Idaho, 83642, in the Board packet on pages 49 through 56. Mr. Sherm Akers made a MOTION to accept the updated address within the rules. Mr. Lee Riley seconded the motion and was passed by the board, unanimously.

Examination and Required Score Administrative Rule Revision– IDAPA 07 01.05.011.03 on page 57 of the Board packet. Chairman Keys proceeded to the next item for the Board to review and consider. This revision was to address applicants who have failed the exam three (3) times.

An applicant receiving less than a passing score may be re-examined at the expiration of thirty (30) days from the date of the failed examination. After a third failure, an applicant may not be tested before the expiration of one (1) year or proof of completion of a minimum of 24 hours of approved related electrical training or continuing education since the last exam failure. Subsequent failures will require an additional one (1) year restriction from testing or proof of completion of 32 hours of approved related electrical training or continuing education since the last exam failure. The consensus of the Board members was to incorporate this into a Proposed Administrative Rules Form, (PARF), drafted accordingly within the rules, to be presented for approval at the next scheduled board meeting in May 2004.

ELECTRICAL LICENSING REPORTS

Chairman Keys announced that due to the Appeals Hearing at 11:00 a.m., we would proceed on to the Electrical Licensing Reports on Pages 91 and 92 of the Board Packet. Mr. Al Caine updated the Board in explaining that after six months of the B.S.U. Assessment Exams, the pass rate is 48% and exams are running smoothly. Chairman Keys commented that the Bureau and all involved should be congratulated on a job well done.

MULTI-STATE RECIPROCITY AGREEMENT AND AMENDMENT

Chairman Keys addressed the next item on the Agenda – Multi-State Reciprocity Agreement and Amendment. Mr. Caine updated the Board explaining this year's Multi-State Reciprocal Group meeting will be on August 2 and 3, 2004 in Boise, Idaho. Mr. Gary Malmen is the presiding Chairman of this group. Currently Mr. Malmen and I are circulating two (2) amendments (to the Reciprocal Agreement), for signature by the members. The first amendment (pages 94 through 97-Board packet) is to add Arkansas as a participating member to the Multi-State Journeyman Electrician Agreement, and the second amendment (pages 99 through 102-Board packet), provides termination of a member to the Multi-State Journeyman Electrician Agreement, if any member state does not abide by provision of the agreement. Chairman Keys asked for any comments by the Board, in hearing none, moved on to the next item in the Board packet, (pages 103 through 106).

ELECTRICAL BUREAU – PERMIT/INSPECTION STATUS REPORT

Mr. Malmen informed the Board of the Bureau's problems and issues regarding Inspector work loads, timely inspections, Plan Reviews and covering additional areas when Inspector(s) are out sick, or on vacation. The Bureau has asked for additional temporary staff to assist with inspections and Plan reviews. The Bureau reflects a 17% increase (all of Idaho), in permits since 2002. The normal workload of active-permits for each Inspector should be approximately 500, however the majority of Inspectors have in excess of 700. Currently, some inspectors have in excess of 1000 active-permits. The Bureau hired Mr. Gale Danielson to replace Mr. Kevin Gellings, who has accepted the Region Supervisor Position in Eastern Idaho. Mr. Danielson will be assigned over 1200 active-permits. This gives the Board an idea of the Bureau's situation. Mr. Mark Nielson asked Mr. Malmen if the Bureau asked for 4 Full-Time Inspector Positions, (FTE's), (referring to the bottom of page 106), and received 3 positions? Mr. Malmen replied, no. The ideal situation would be to hire 4 FTE's to efficiently service the public however, the Bureau understands the acute sensitivity in spending and increasing government. Therefore, the Bureau assessed the present situation and asked for 3 Full-Time Employees, (FTE positions), (recently approved), to assist the Bureau's statutory obligations in providing professional services, within a timely manner. Once these FTE positions are in place and working efficiently, the Bureau will be re-assessing permit loads and inspection reports. Chairman Keys asked for

any comments? In hearing none, he addressed a concern brought to his attention referencing electrical work being performed by un-licensed electrical contractors. Also, Apprentices performing electrical installations without the supervision of a Journeyman, etc., and if the Bureau was aware of these compliance issues? Mr. Malmen referred to the Civil Penalties Report-January, 2004, (page 117-board packet), \$90,000.00. Currently, the Bureau is doing quite a bit of enforcement, stating the compliance fees for January, 2004 were quite healthy, which reflects that the Bureau is performing compliance. However, there is always a need for additional compliance and enforcement. One main issue the Bureau has is, 1). Jobs are not being permitted and, 2). Requested Inspections come in prior to receiving the permit/fees, which in some cases the Bureau isn't receiving the fees at all. Therefore, we are forced to try and collect the fees after the work is completed. Mr. Malmen associated the Compliance issues with today's Appeal Hearing explaining that it takes time, documentation and resources by the Bureau to investigate and carefully review each situation, to initiate a Civil Penalty. Chairman Keys asked Mr. Malmen why the Bureau didn't do more compliance, was this due to time and resources? Mr. Malmen replied yes. Mr. Tom Brown commented that two Electrical Inspectors, (Kevin Hubble and John Hampton), Valley County Area, are doing an outstanding job with the construction and development (workload), in this area, but will need additional temporary help when summer hits regarding the continued development of Tamarack Resort.

BOARD DISCUSSION PRIOR TO THE APPEAL HEARING

Chairman Keys directed the Board to the Appeals Hearing documents, and asked Kay Manweiler, DAG to review the issues. Kay proceeded to the first page 61, (packet) explaining the materials provided were copies of the complaint, correspondence and related information received by the Bureau in support of the complaint (by the Property Owner), against an individual alleging un-licensed electrical actions (work) being performed by Mr. Park. The Electrical Bureau and the Bureau's Inspector investigated the installation of the pond, finding un-licensed electrical work had been performed, therefore issued a Notice of Violation, (NOV). The NOV and Enforcement Permit # P116829, (pages 67 & 68) were sent on November 12, 2003, following a letter (pages 72 & 73), dated December 29, 2003, assessing a fine of \$800.00, by certified mail to Mr. Park. Upon receiving the letter, through his attorney, has requested the opportunity to appeal the Civil Penalty to the Electrical Board members at 11:00 a.m. today by phone-conference, from Mr. Woelk's office. This Appeal is Mr. Woelk and Mr. Park's opportunity to challenge their imposition of this fine, attempting their argument that, #1. The fine was not entered appropriately, #2. The work was not done, (or) #3. The Bureau does not have sufficient evidence proving that the work was performed by Mr. Park. Kay stated that she was unaware upon what basis they are challenging this violation.

MR. KELLY PARK/WY-IDAHO PLUMBING INSTALLATION

Editor's Note: The McDavid Project, (Pond-System Installation) started on May 27, 2003 for Mr. Bill and Sherry McDavid located at 460 North 300 West, Tetonia, Idaho. Mr. Adam Ward, Ward Construction, (Building Contractor) was hired, who then hired a (Sub-contractor) Mr. Kelly Park/Wy-Idaho Plumbing. Mr. Park completed the original bid for the pump materials, totaling \$17,500.00.

On October 21, 2003, the property owner, Mr. William McDavid, reported (in writing), a Citizen Complaint to the State of Idaho, Electrical Inspector, Phil Young. The complaint stated that the 7.5 Horse Pump/85 gallons per minute, (GPM) submersible-well pump and the wiring was installed and buried (from the well to the house, then from the house to the pond re-circulation pump), by Mr. Kelly Park/Wy-Idaho Plumbing. This complaint included an invoice from Wy-Idaho Plumbing for electrical equipment and work performed. The Bureau's Electrical

Inspector, Mr. Young issued an enforcement permit, P116829, on November 12, 2003, with Notices of Violation referencing Idaho Code §54-1002 and §54-1005; and the following Administrative Rules-IDAPA 07.01.11.011.01-Un-licensed Electrical Contractor, IDAPA 07.01.11.011.03-Un-licensed Journeyman, Specialty, Apprentice, or Specialty Electrical Trainee, and IDAPA 07.01.11.011.07- Failure to permit, three counts totaling \$800.00. The Civil Penalty assessing the violations was sent Certified Mail-70030500000151685232 on December 29, 2003 stating the Civil Penalty is due and payable within ten (10) days of receipt of this letter. January 13, 2004, the Bureau was notified by letter from Attorney, Mr. Galen Woelk, Driggs, Idaho, who would be representing his client, Mr. Kelly Park/Wy-Idaho Plumbing. The letter stated it was an official notice of an Appeal and contest of Civil Penalty Hearing to be by telephone, (due to long distance from Driggs to Meridian). Mr. Galen also requested (in his letter), a copy of all related information (his client, Mr. Park) be sent to him along with Mr. McDavid's correspondence, Wy-Idaho invoice (electrical equipment and work performed), and related past documents substantiating previous violations by his client, Mr. Park, Wy-Idaho Plumbing.

On January 28, 2004, a response letter was sent by the Bureau, to Mr. Woelk, including copies of requested documents, (correspondence, invoice, and related documents), stating the Bureau's understanding that the Deputy Attorney General, Ms. Kay Manweiler had contacted Mr. Woelk/Mr. Park-Driggs, Idaho scheduling the hearing for February 19, 2004 by telephone conference with the State of Idaho, Electrical Board (regular-scheduled) meeting in Meridian, Idaho at 11:00 a.m.

HEARING BY CONFERENCE CALL

After a short break, Chairman Keys called the meeting to order at 11:02 a.m. announcing the Appeal Hearing – Contest of Civil Penalty, IDAPA 07.01.11 – with Mr. Kelly Park/Wy-Idaho Plumbing, accompanied by his Attorney, Mr. Galen Woelk, both present (conference call). Chairman Keys asked all members to introduce themselves. Once introductions were complete, the hearing started by Mr. Woelk directing questions to his client. Mr. Park stated that he was a 14 year, licensed plumbing contractor. He only installed the plumbing portion of pump systems, (2 to 3 pumps a year), in Teton-County, had never performed the electrical work and had only supplied the materials for the electrical contractor for pump installations. Mr. Park proceeded in stating that he had never received previous violations by the state of Idaho or been sued by anyone. Although he had a conversation with Mr. Al Caine (approximately three years ago), considering regular applications for Specialty Plumbing Contractor's license. However, decided to hire local electrical contractors, such as Sage Electric and Lang Electric, (Contractors responsible for the electrical portion of the pump installations). Mr. Woelk continued asking questions to Mr. Park in relation to his bid (page 65) total \$17,500.00 listing the description of the Horse Power, (H-P) pumps and related materials, which was specifically requested by Mr. Ward (Ward Construction, building contractor). Mr. Park stated his bid did not include the cost for the electrical contractor but it was his understanding that the electrical contractor's costs were included in Mr. Ward's bid of (\$21,332.50-total, page 66). Mr. Park stated the (building contractor) bid did not list any permits fees, etc. On Friday, July 4, 2003, Mr. Park arrived at the job-site and a trench was dug (approximately 120-180 foot long, 6 feet deep and 40 feet from the road). Mr. Park explained that he went ahead and put the control box in the crawl space, and waited 4 hours for the Electrical Contractor, Randy Hill, Hill Electric to show up. At the end of the day, the Electrical Contractor did not show. So, Mr. Park connected the spring-tube kit on the pump, wired the pump and control box and filled the trench, because of the concern regarding the water supply to the Property Owner's house and because kids were riding horses and bikes near the open trench. (Mr. Park admitted that he had violated the Electrical Code by installing

electrical wiring). Hill Electric arrived on the job 1 week later, (Friday July 11, 2003). Mr. Park asked the electrical contractor to verify the wiring was correct, assuming Hill Electric checked the wiring system. On Saturday, July 12, 2003 (following day), Mr. Ward and the McDavid's determined that the pump was not functioning correctly, and contacted Mr. Park informing him that he was taken off the job. Mr. Park received a call (Sunday, July 13, 2003) from Mr. Jerry Allen, Water Treatment Solutions, (who was hired by the property owner-McDavid's to fix/repair the pump). Mr. Allen (new sub-contractor) informed Mr. Park that the pump had been installed incorrectly instructing Mr. Park to come and take out the pump. After the pump was removed, (one hour later), the McDavid's called Mr. Park instructing him to bring the pump back, (so the property owner could recover the costs of the pump). Mr. Park stated he had paid for the pump originally, charging the McDavid's \$5888.00-pump, \$11,666.67-installation totaling (\$17,500.00). Mr. Park explained that he has never been paid for the job, nor has he put a lien on the McDavid's property. The McDavid's sent a letter (3 months later), informing Mr. Park that if he did not pay the McDavid's \$5888.00 for the pump, the McDavid's would send a complaint to the State of Idaho. In closing, Mr. Park explained his un-recovered costs were: \$11,666.67-job installation, plus \$80.00-Enforcement Permit, plus \$800.00-Deposit for Appeal, totaling, \$12,546.67, which has put a financial hard-ship on his family. Mr. Park stated he would never perform any electrical installation again and asked the Board to give him leniency. Mr. Woelk further added, he and Mr. Park were not denying the Notice of Violation. Although, Mr. Park has tried to operate a respectable business and at one time, pursued in becoming an Electrical Inspector, State of Idaho, has never previously performed electrical work. Mr. Park commented that he would like to remain in good standing with the State of Idaho hoping the Board members would take into consideration today: 1). A reprimand, 2). Probation in lieu of a fine, (or) 3). A reduced fine.

Chairman Keys thanked both Mr. Woelk and Mr. Park for their presentation informing them that the Board members would consider the statements given. Once the Board made a decision, Mr. Woelk would be contacted. The telephone conference ended at 11:32 a.m.

After a brief discussion, Mr. Lee Riley made a MOTION to go into executive session. Mr. Tom Brown seconded the motion and was passed by the Board, unanimously. The executive session ended at 12 noon and the Board adjourned for lunch.

CONCLUSION OF APPEAL HEARING

Chairman Keys called the meeting back to order at 1:02 p.m. Mr. Sherm Akers made a MOTION to reduce the fine from \$800.00 to \$500.00 for Mr. Park for the violations, as stated earlier. Mr. Riley seconded the motion and was passed by the majority of the Board. (Mr. Mark Nielson, absent). Chairman Keys stated this determination would be prepared in letterform. Kay added that she would prepare the letter for Chairman Key's signature and would be sent to Mr. Woelk, in behalf of Mr. Park's Notice of Violation.

ELECTRICAL SERVICE TO POLES SUPPORTING LUMINAIRES-TEMPORARY

RULE Chairman Keys deferred this issue to Mr. Gary Malmen, Electrical Bureau Chief for discussion. Mr. Malmen directed the Board to pages 77 through 79, (packet) with an update of the last Board meeting, (December 8, 2003-Special Board Meeting). The Board had set a Temporary Administrative Rule revision within IDAPA 07.01.06.011.01(d), page 80 and 81 (packet). The guidelines defined luminaire-pole requirements for installations and inspections, which would be in place (during an interim-period), until a workable solution to the NEC Code was provided. This would give the Bureau time to research what other states are doing, other

code panels, and what options can be taken to comply with the NEC, for identification. Mr. Malmen mentioned that he had previously discussed the pole/circuits with Mr. Orson J. Christiansen, Cooper Bussmann, (Manufacturer for HEB In-Line Fuse holders). Mr. Christiansen was unable to attend the December 8, 2003 special Board meeting, however is here today to discuss the use of their product with the Board. Mr. Christiansen introduced himself, commenting he had worked for this company for 34 years and referred to a letter dated February 18, 2004, (Attachment A, page 1, 2 and 3). He stated that in discussing this issue regarding use of the product with the St. Louis Office, the determination was, Cooper Bussmann HEB in-Line fuseholders with fuses are recognized for use as supplementary protection in tapped fixture wire circuits. HEB fuseholders are not listed for branch protection. According to Vincent J. Saporita, Vice President, Technical Sales and Services, Cooper Bussmann (the HEB In-Line, Break-A-Way fuseholders) have not been tested nor listed as a disconnect. Cooper Bussmann does not recommend nor accepts any liability if the HEB In-Line, Break-A-Way fuseholder to be used as a circuit disconnect. Use of the fuseholder as a disconnect is a violation of the NEC, and a violation of all other consensus safety standards. If this unit is used (as indicated by the Board), Cooper Bussmann Legal Department may review the disconnecting use, and contact the Board. In behalf of Cooper Bussmann, our recommendation is, this product should not to be considered (or) used as a disconnecting device. Mr. Christiansen thanked the Board for their time. After some discussion, Mr. Malmen commented that previously the Board had asked the Bureau to find out what the other reciprocal states were doing. The Bureau was able to contact Oregon, Washington, Colorado, North Dakota and South Dakota in which they treated the light poles according to the NEC, (use as a remote device), if the pole was within these state's jurisdiction. Other wise if the pole is under the utilities, it was exempt. The only state that exempts light poles entirely, (utility/non-utility), is Nebraska. Chairman Keys asked if there were any (better) alternatives. Upon further discussion, the Board's decision was to leave the current Temporary rule 07.01.06.011.01(d)-in effect for one year. (*Editor's Note: The Board approved this rule on November 6, 2003 therefore, one year from the effective date would be November 6, 2004*). After one (1) year, revert back to the NEC requirements which was defined as: The disconnect must be remotely located else where on the premises. Mr. Dale Pippitt made a MOTION to these changes. Mr. Lee Riley seconded the motion and was passed by the majority of the Board.

FISCAL REPORTS-ELECTRICAL BUREAU

Chairman Keys directed the Board to the handouts (Attachment B, page 1 and 2), and asked Mr. Malmen to address the Fiscal Reports for January, FY2004. Mr. Malmen proceeded in explaining the Appropriation Balances, (Attachment B, page 1-handout), on the far right hand column. Currently, the percentage of monies that have been spent within the Electrical Bureau appropriations are: 60.5% - Personnel Cost, (PC), and 62.2% - Operating Expenses, (OE). On the next page, (Attachment B, page 2-handout), is the FY2004 Electrical Bureau Revenue/Expenses Report, Ending balance, (Reserve Fund), of \$1,500,206.05. This balance is a decrease from the ending balance of the previous month, primarily because of rent costs (Meridian office), and employees three pay-periods for (January, 04), thus resulting in more expenses than revenues. Looking at FY2004 Revenue/Comparison Report-Inspections and graph (packet page 84), permit monies received for January, \$196,566.00 are pretty healthy. Additionally, page 85 (in the packet), listing the Licensing Fees and chart by month.

FY2005 BUDGET REQUESTS

Mr. Malmen proceeded in directing the Board to (packet pages 86 through 90), regarding the FY2005 Budget Appropriations specific to the Electrical Bureau. Currently, one Inspector for Region #1-Northern Idaho, is working as a Part-Time Temporary, (1385 hours). These hours will

deplete prior to July 1, 2005, forcing the Bureau to lay off this Temporary Inspector for approximately four months. The Energy section within the Building Bureau has an active FTE Position, (which is available and must be filled by February 27, 2004). The Electrical Bureau has been notified that we will be able to utilize this position for Inspector, Mr. Alan Kline, now. Chairman Keys asked for any questions. In hearing none, he proceeded to the next two (2-correspondence letters) listed on the agenda, asking Mr. Malmen to address both issues.

CORRESPONDENCE

Mr. Malmen informed the Board members:

1. Mr. Paul Shafer, owner of TPM Water Systems on February 4, 2004, sent an email to Mr. Malmen, Page 107 (packet), regarding Grange Supply Company, Pullman, Washington, who is an un-licensed Electrical Contractor/Specialty Contractor, performing electrical work on pump systems within Idaho. The Bureau will review the situation and send Grange Supply Company a follow-up letter. Mr. Shafer was instructed that any further specific-written information, or other pertinent factual documentation regarding Grange Supply, should be forwarded to the Bureau. Upon reviewing the information and documentation, the Bureau could then commence misdemeanor or civil penalties proceedings. In addition, this information would be forwarded to the Inspector, (in the Lewiston/Moscow area) and shared with the Electrical Board. A copy of this information was also forwarded to Mr. Dale Pippitt and the Idaho Ground Water Association. Mr. Malmen informed the Board that currently, there is no documentation to substantiate further compliance or the issuance of civil penalties. However the Bureau has received several complaints, which is a starting point for record documentation.
2. Mr. Doug Soderquist, Engineering Manager for T-L Irrigation Company sent a letter dated February 3, 2004 addressed to Mr. Malmen and copied to the Electrical Board. This letter was requesting the hydraulic powered and low voltage DC control circuits on T-L irrigation equipment i.e. valves and controls, be excluded from the electrical portion of the installation, inspection, and service requirements. This request was on the basis of the irrigation equipment not having safety or complex electrical issues. In addition, the current requirement causes undue financial burden. The Electrical Bureau's position is, this type of system (low-voltage 12 volt and 24 volt-control systems), constitutes an electrical installation, must comply with NEC requirements and is under the Electrical Bureau's jurisdiction. Therefore, the electrical installation will require electrical permits and licensing. The only exemption for Low Voltage systems is for one and two family dwellings. After some discussion by the Board, Chairman Keys suggested Jeff Fitzloff, Inspection Supervisor, research this issue (12 volt and 24 Volt Control generator-powered, etc. systems), for future exemption of permits and licensing. This investigation information would be brought back at the next scheduled board meeting for further discussion.

NEC ISSUES FOR REVIEW

Chairman Keys addressed the next item for discussion, asking Mr. Malmen to address the issue. Mr. Malmen informed the Board that Idaho Power Company sent a letter specifically to Electrical Inspector, S. Thompson on February 4, 2004, (which was then forwarded to the Electrical Bureau). This letter explained Idaho Power's future requirement to install an expansion/slip joint on the conduit riser, which is connected to the customer's meter base. This

letter was asking the DBS-Electrical Bureau to support this requirement, mandating its use for future installations, (slip-joint/expansion joint). Currently, this is not a state requirement. However, this type of installation would benefit the customer and Idaho Power. In the past, Idaho Power has encountered problems with the finished grade (ground) settling, which in turn can pull the PVC conduit out of the meter base, exposing the conductors. It can also put stress on the conductors and on the meter base lugs. Idaho Power sees this as posing a safety hazard. Currently, Art Carlson, City of Pocatello, is stipulating this requirement, within their jurisdiction. Mr. Malmen explained, NEC Code-2002 Edition, Article 352.44 and Article 300.5(J) address the use of PVC Expansion fittings for Ground movement and temperature variations. This has been Bureau policy per Idaho Code §54-1001. After a brief discussion, Mr. Malmen stated if it were the Board's desire to mandate this requirement in all situations, it would require a revision to the Idaho Administrative Rule. Chairman Keys stated that it appeared to be an Idaho Power issue, but would be open for further discussion at the next Board meeting.

COMPLAINT – REVOCATION/SUSPENSION OF ELECTRICAL CONTRACTOR LICENSE

The Deputy Attorney General updated the Board by explaining this issue, referring to pages 118 and 119 (packet). Mr. Malmen's letter, dated January 27, 2004, was addressed to Kay regarding specific information to Electrical Contractor, Desert Electric, Mr. Brad Hill, signing journeyman, License # C-10904. This Electrical Contractor has been issued seven (7) Notice of Violations, (NOV's), and \$7000.00 in Civil Penalties, which have not paid since June, 2003. Based on non-payment of Civil Penalties, continued, repeated gross violations of Title 54, Chapter 10 Idaho Code, and on the recommendation of the Division Administrator, the Electrical Bureau is requesting the initiation of a licensing suspension hearing against Desert Electric. Upon reviewing the information, Kay Manweiler has referred this to the Attorney General's Office. *Editor's Note: Cheri Bush, DAG.* Chairman Keys asked for any questions. In hearing none, proceeded to the next item on the agenda.

ELECTRICAL BUREAU MEETINGS 2004 SCHEDULE

Chairman Keys announced the next Board meeting scheduled for May 20, 2004 is conflicting with other Board meetings within the Division. The NFPA meeting was also scheduled for the week of May 24, 2004, in Salt Lake City, Utah. After a brief discussion, the Board decided to change the date of the next meeting from Thursday, May 20, 2004, to Thursday, May 13, 2004, in Post Falls, Idaho. Mr. Sherm Akers made a MOTION to change the next scheduled Board meeting. Mr. Lee Riley seconded the motion and was passed by the majority of the Board.

OLD/NEW BUSINESS

Chairman Keys addressed an old item of business, HB525-hearing for Monday, February 23, 2004. In discussing this bill with Mr. Bob Corbell and Dave Munroe, the decision was to present an amendment, prepared by the Deputy Attorney General. This amendment would separate, (re-format), the inspector restrictions and the qualifications. This revision would address the qualifications, by removing the certificate of competency requirement, replacing with, (a valid Journeyman's License). Also, Chairman Keys stated there would be testing requirement reformatting. These revisions would clarify (prohibiting Municipal Inspectors to also be electrical contractors), and help explain to the committee's, what we are trying to accomplish. Hopefully, the amendment will be received favorably. A copy would be available by Friday, February 20, 2004, by DAG, Kay M.

NEW BUSINESS

Mr. Malmen informed the Board of a new item of business, that he had been notified (February 18, 2004) by Mr. Chris Miller, BSU-HVAC program director, regarding the Board's acceptance of Mr. Miller's education program as meeting some of the Electrical Specialty experience requirements. Mr. Malmen commented that since this request was just received yesterday, time did not permit this issue to be on the February agenda. However, he would prepare additional information for the Board to review at the May meeting. Chairman Keys added, some HVAC requirements are conflicting with other Bureau requirements within the Division, which needs to be addressed for clarification.

Chairman Keys asked the board for any other old/new business. In hearing none, the Chairman asked the board for a motion to adjourn. Mr. Sherm Akers made a MOTION to adjourn. Mr. Lee Riley seconded the motion and was passed by the majority of the board. The meeting was adjourned at 2:38 p.m.

Copy

DAVE MUNROE
Secretary of the Board

DATE

Copy

KIM MCDONALD
Minutes Recorder

DATE